

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERMAN WAGNER,

Petitioner,

vs

Case No: 06-10514
Honorable Victoria A. Roberts

WILLIE O. SMITH,

Respondent.

**ORDER REJECTING *PRO SE* FILINGS BY
A REPRESENTED PARTY**

The petitioner filed a Motion to Hold Habeas Petition in Abeyance (dk. 30).
Sherman Wagner is represented by counsel.

Federal law permits a party to appear “personally or by counsel.” 28 U.S.C. §1654. This right is “disjunctive; a party may either represent himself or appear through an attorney.” Hall v Dorsey, 534 F. Supp. 507, 508 (E.D. Pa 1982).

There is no right, constitutional or otherwise, to “hybrid representation - the representation at the same time by counsel and *pro se*.” United States v Trapnell, 638 F. 2d 1016, 1027 (7th Cir. 1980). Therefore, as part of the latitude accorded district courts in managing their dockets, courts may bar *pro se* filings by represented parties. United States v Agofsky, 20 F. 3d 866, 872 (8th Cir. 1994) (finding no error in the court’s refusal to consider *pro se* motion where defendant was represented by counsel); United States v Tracy, 989 F. 2d 1279, 1285 (1st Cir. 1993) (“A district court enjoys wide

latitude in managing its docket and can require represented parties to present motions through counsel.”)

Accordingly, the motion is **STRICKEN** and forwarded to his counsel without further consideration. Future filings are similarly barred so long as petitioner continues to be presented by counsel.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: November 13, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on November 13, 2009.

s/Carol A. Pinegar

Deputy Clerk